

REMARKS

Favorable reconsideration and allowance of this application are respectfully requested.

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the May 21, 2007 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

I. Discussion of Claim Amendments

By way of the amendment instructions above, the subject matter of claim 5 has been introduced into the amended version of claim 1. As such, claim 5 has been cancelled along with previously cancelled claims 2-4. Thus, the amended version of claim 1 now clarifies that component (C) is p-aminophenol.

Therefore, following entry of this amendment, claims 1 and 6-25 will remain pending herein for consideration, of which claims 1 and 6 remain in independent format.

II. Response to Rejections

Prior claims 1, 5 and 12-25 attracted a rejection under 35 USC §103(a) as allegedly being "obvious", and hence unpatentable over Linstid III et al (USP 6,222,000) in view of Furuta et al (USP 5,612,101). In addition, the Examiner has persisted in his rejection of claims 6-10 as allegedly unpatentable under 35 USC §103(a) based on the combination of Charbonneau et al (USP 4,351,918) in view of Furuta et al. As will become evident from the following discussion, all pending claims herein are patentably distinguishable over the applied references of record.

In this regard, it should be noted that the present invention relates to a composition containing a wholly aromatic polyester amide which contains no terephthalic acid but instead contains 4-hydroxybenzoic acid, (B) 2-hydroxy-6-naphthoic acid, (C) p-aminophenol, and (D) isophthalic acid as the components. That is, the present invention is a wholly aromatic polyester amide having a completely different structure from the polymer containing at least one of a terephthalic acid component, a 2,6-naphthalenedicarboxylic acid component and a 4,4'-biphenyldicarboxylic acid component as essential components. Significantly, terephthalic acid, 2,6-naphthalenedicarboxylic acid and 4,4'-biphenyldicarboxylic acid are disclosed in Linstid III et al as components and are supported by the Examples therein.

Specifically, in the Examples of Linstid III et al, no polymer containing p-aminophenol which further contains isophthalic acid is disclosed. That is, the wholly aromatic polyester amide as proposed by Linstid III et al is completely different structurally from that of the present invention containing p-aminophenol **and** isophthalic acid as the essential components.

In this regard, the Examiner's attention is invited to the Examples and Comparative Examples of the present application which Exhibit an adhesive strength of between 0.6 to 1.2 N/mm. In contrast, an Example which closely corresponds to those disclosed in Linstid III (Comparative Example 3) exhibited only an adhesive strength of 0.2 N/mm. Thus, the data in the specification demonstrate that adhesive strength of a composition in accordance with the present invention is at least double that of compositions exemplified in Linstid III.

Accordingly, applicants submit that Linstid III et al would not direct the ordinarily skilled person toward the present invention in the first instance. Furthermore, even if an ordinarily skilled person would combine Linstid III et al and Furuta, the present invention

would not result. In this regard, Furuta merely discloses blending a liquid crystal polyester (LCP) with an olefin. Thus, as noted above, Linstid III et al would not direct and ordinarily skilled person to the wholly aromatic polyester amide which contains an p-aminophenol and isophthalic acid. Thus, even if an ordinarily skilled person would consider combining the LCP of Furuta with the wholly aromatic polyester of Linstid III et al, the presently claimed invention would not be the result.

As such, withdrawal of the rejection advanced under 35 USC §103(a) based on the combination of Linstid III et al and Furuta is in order.

The combination of Charbonneau and Furuta under 35 USC §103(a) is also inappropriate against claims 6-10. In this regard, the present invention as defined by independent claim 6 is directed toward a wholly aromatic polyester amide containing:

- (A) 4-hydroxybenzoic acid;
- (B) 2-hydroxy-6-naphtoic acid;
- (C) aromatic diamine; and
- (D) aromatic dicarboxylic acid.

In addition, the present invention as defined by claim 6 is achieved by adding a bending monomer, such as isophthalic acid, to the aromatic carboxylic acid.

According to Charbonneau, however, no "bending monomer" appears to be disclosed therein. In addition, the disclosed 2,6 -dihydroxyanthraquinone included in the polymer of Example 6 of Charbonneau is **not** a bending monomer. Thus, no guidance to the ordinarily skilled person is provided by the Examples in Charbonneau with regard to bending monomers at all.

The deficiency of Charbonneau is not cured by Furuta et al. In this regard, as noted previously, Furuta merely discloses blending a liquid crystal polyester (LCP) with an olefin. Moreover, the polymer of Furuta et al is a polymer containing dicarboxylic

acid and a specific diamine – i.e., the polymer is a polyamide resin. To the contrary, the polymer of the present invention is a polyester amide containing, e.g., a 4-hydroxybenzoic acid component and 2-hydroxy-6-naphthoic acid component as the essential components. Therefore, the constituents of both polymers are completely different and would not be suggestive of one another.

Therefore, even if an ordinarily skilled person were to combine Furuta et al with Charbonneau, the present invention would not result. Withdrawal of the rejection under 35 USC §103(a) based on such a combination of references is therefore in order.

III. Information Disclosure Statement

The Examiner is asked to consider copending commonly owned US Application Serial No. 10/525,642 filed on February 25, 2005 ("the '642 application"). A copy of the published '642 application, published as U.S. Patent Application Publication 2006/0058496 is attached and noted on an appropriate form for such purpose.

Fortunately, Examiner Listvoyb is examining both the subject application and the '642 application and thus is familiar with the prosecution history to date in each. In this regard, the Examiner will recall that a "final" Official Action was issued on May 16, 2007 in the '642 application. See the USPTO's PAIR site at http://portal.uspto.gov/external/portal/tut/p/kcxm/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLN4gPMATJgFieAfgRqCLGpugijjABX4_83FT9IKBEpDIQxNDCRz8qJzU9MbISP1jfWz9AvyA3NDSi3NsRAHxEBJg/delta/base64xml/L0lJSk03dWIDU1IKSi9vQXd3QUFNWVdBQ0VJUWhDRUVJaEZLQSEvNEZH2RZbktKMEZSb1hmckNIZGgvN18wXzE4TC83L3NhLmdldEJpYg!!?selectedTab=ifwtab&isSubmitted=isSubmitted&dosnum=10525642&public_selectedSearchOption= for a copy of the same.

IV. Conclusion

Every effort has been made to advance prosecution of this application to allowance. Therefore, in view of the amendments and remarks above, applicant suggests that all claims are in condition for allowance and Official Notice of the same is solicited.

Should any small matters remain outstanding, the Examiner is encouraged to telephone the Applicants' undersigned attorney so that the same may be resolved without the need for an additional written action and reply.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

An early and favorable reply on the merits is awaited.

Respectfully submitted,

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